

**REMARKS**

Upon entry of the claim amendments, Claims 1-2 and 4-26 will be all the claims pending in the application.

Of the pending claims, Claims 8 and 21 have been withdrawn from consideration. For the reasons stated in the Response filed March 3, 2004, including the fact that withdrawn Claims 8 and 21 are directed to processes for producing the resin sheets of Claims 1 and 16, respectively, Applicants respectfully request the rejoinder of Claims 8 and 21 upon the allowance of Claims 1 and 16.

Applicants repeat their request from March 4, 2004, for an acknowledgement in the next communication from the Examiner that the drawings (FIGS. 1-19 on five (5) sheets of drawings) filed with the application on December 5, 2001, have been accepted.

Applicants have amended Claim 1 by incorporating therein the subject matter of Claim 3. Claim 3 has been canceled.

In addition, Applicants have amended a typographical error at pages 3 and 4 of the specification and Claim 4. Support for these amendments can be found at, for example, page 15, line 6, page 16, last line, page 18, line 12, page 19, line 5, page 29, line 23, page 31, line 1, and the examples (e.g., page 37, line 9).

New Claim 26 is supported by the description at the first full paragraph of page 16.

No new matter has been added.

Referring to Section No. 3 of the Office Action, Claims 1, 3-7, 9-10, 12-15, and 22-24 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner has requested clarification regarding the term “respectively” in Claims 1 and 10.

The term “respectively” refers to only the two hard coat layers.

In particular, the resin sheets of independent Claims 1 and 10 comprise a gas barrier layer, a base layer, and two hard coat layers. The term “respectively” in Claims 1 and 10

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indicates that one of the two hard coat layers forms one of the outermost layers, and the other hard coat layer forms the other outermost layer. The above interpretation of Claim 1 is consistent with Example 1 and FIGS. 3 and 12, while the above interpretation of Claim 10 is consistent with Example 3 and FIGS. 6 and 15.

Withdrawal of the §112 rejection is respectfully requested.

Referring to Section No. 4 of the Office Action, Claims 1-4, 6-7, 9-11, 13-20, and 22-25 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,500,518 to Sugawa, *et al.* ("Sugawa") in view of U.S. Patent No. 5,747,152 to Oka, *et al.* ("Oka").

Applicants respectfully traverse.

Independent Claims 1 and 10 require a resin sheet comprising two hard coat layers as the outermost layers.

Sugawa is completely silent about a resin sheet having two hard coat layers.

The Examiner has taken "the position that it would have been obvious to increase the number of hardcoat layers in the resin laminate to further increase the surface hardness [of] the laminate." Paragraph bridging pages 4 and 5 of the Office Action.

Applicants respectfully disagree.

A *prima facie* case of obviousness is only established where, *inter alia*, there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference in the manner proposed.

As mentioned, Sugawa does not disclose providing two outermost hardcoat layers.

Therefore, the Examiner must be basing his position on knowledge generally available to one of ordinary skill in the art.

In the present case, however, it is improper for the Examiner to rely on generally available knowledge as the basis for increasing the number of hardcoat layers in the sheets of Sugawa. Facts

asserted to be well-known or to be common knowledge in the art are those that are capable of “instant and unquestionable demonstration as being well-known.” Increasing the number of hardcoat layers in Sugawa’s epoxy optical sheets is not a fact that is capable of “instant and unquestionable demonstration as being well-known.”

Furthermore, the presence of the two hard coat layers in the inventions of Claims 1 and 10 enables the light-diffusing properties of the claimed sheets to further increase.

Sugawa does not contain a disclosure teaching or suggesting the giving of light-diffusing properties to a resin sheet. Therefore, from Sugawa’s disclosure, one of ordinary skill in the art could not arrive at the invention of Claims 1 and 10 that provides two hardcoat layers to further improve light-diffusing properties.

As for Oka, the term “ultrafine particles” is defined as particles having an average particle diameter of not more than 200 nm (equivalent to 0.2  $\mu\text{m}$ ). Column 11, lines 55-66, and column 12, lines 17-22. The ultrafine particles of Oka are incorporated to control the refractive index of the resin layer, and Applicants submit that they cannot impart light-diffusing properties to the resin layer.

Independent Claims 1, 2, and 16 require a resin sheet having a hard coat layer having recesses and protrusions on the outer surface thereof.

The Examiner admits at the top of page 4 of the Action that Sugawa does not disclose an outer layer having recesses and protrusions on its outer surface. The Examiner has relied on Oka for the teaching of adding particles to an outer layer.

Oka does not expressly disclose the claimed element “the hard coat layer has recesses and protrusions on the outer surface thereof.”

The Examiner has taken the position that Oka inherently discloses that its ultrafine particles cause recesses and protrusions on the outer surface of the layer in which they are contained.

Applicants respectfully disagree.

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Ultrafine particles having a particle diameter of 0.2  $\mu\text{m}$  or less cannot cause recesses and protrusions on the outer surface of the layer.

Furthermore, the range of surface roughness recited in amended Claim 1 and the range of peak-to-valley distance recited in Claim 4 cannot be obtained by Oka's ultrafine particles having a particle diameter of 0.2  $\mu\text{m}$  or less.

Finally, regarding new Claim 26, it requires a resin sheet wherein the transparent particles have a particle diameter of from 0.5 to 30  $\mu\text{m}$ .

The Examiner admits at the top of page 4 of the Action that Sugawa does not disclose an outer layer containing transparent particles. The Examiner has relied on Oka for the teaching of adding particles to an outer layer.

As mentioned, however, Oka defines its "ultrafine particles" as particles having an average particle diameter of not more than 200 nm (equivalent to 0.2  $\mu\text{m}$ ). Furthermore, Oka incorporates its ultrafine particles to adjust the refractive index. In this sense, fine particles having a particle diameter of larger than 0.5  $\mu\text{m}$  are not suitable for the adjustment of refractive index.

For all the foregoing reasons, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claims 1-4, 6-7, 9-11, 13-20, and 22-25.

Referring to Section No. 5 of the Office Action, Claims 5 and 12 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sugawa in view of Oka and U.S. Patent No. 6,268,961 to Nevitt, *et al.* ("Nevitt").

Claims 5 and 12 depend from independent Claims 1 and 10, respectively.

As stated herein, the combination of Sugawa and Oka does not disclose the subject matter of Claims 1 and 10.

Nevitt relates to differences in indices of refraction and does not cure the deficiencies of Sugawa and Oka concerning the subject matter of Claims 1 and 10. Therefore, Claims 5 and 12

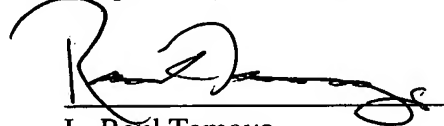
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are not rendered obvious by the combination of Sugawa, Oka and Nevitt, at least for the reason that Claims 5 and 12 depend from Claims 1 and 10, respectively.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Raúl Tamayo", written over a horizontal line.

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